IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1838 OF 2007

Shri Uday Jawahar Kotnis ..Petitioner

Vs.

Shri Dilip Balkrishna Joshi ..Respondent

Mr. S.S. Kulkarni with Mr. D.P. Adsule for petitioner.

CORAM: B.H. MARLAPALLE, J.

Date : March 16, 2007.

P.C.:

1. Heard Mr. Kulkarni with Mr. Adsule the learned counsel for the petitioner. An application below Exh.8 filed in Application No.22 of 2005 came to be rejected by the Competent Authority under the Maharashtra Rent Control Act, 1999 (for short the Act) on 8/9/2005 and the same order was challenged in Revision Application under Section 44 of the Act before the Divisional Commissioner at Pune. The Additional Divisional Commissioner, Pune dismissed the revision on 17/1/2007 and hence this petition under Article 227 of the Constitution.

2. The Competent Authority observed that on the petitioner's own contentions he had incurred expenditure of an amount of Rs.7 lakhs in carrying out repairs to the suit premises and had filed a suit for recovery of the said amount. He had also applied for attachment before judgment under Order 38 Rule 5 of C.P.C. On these two admitted grounds the Competent Authority held that the petitioner was not entitled to pray for leave to defend as contemplated under Section 43(4)(b) of the Act. The Divisional Authority has agreed with the said view of the Competent Authority. The view taken by both the authorities concurrently cannot be termed as perverse or illegal so as to cause interference under the supervisory powers of this court.

3. Hence the petition is rejected summarily.

(B.H. Marlapalle,J.)